

STATEMENT OF WATERFRONT PRINCIPLES

A Public Statement of Principles For High Road Development of Buffalo's Waterfront

Consensus Document Developed by
Erie Canal Harbor Development Corporation and Canalside Community Alliance

July 11, 2013

BACKGROUND

- a. The Canalside Community Alliance (CSCA) is a broad coalition of 60 community groups including block clubs, community developers, minority-owned contractors, environmental groups, locally-owned businesses, faith groups and many others with diverse skills, experiences, and knowledge, all committed to successful Canalside and waterfront development.
- b. Erie Canal Harbor Development Corporation (ECHDC) has demonstrated a willingness to listen to public concerns and to involve the greater community in the development process. Now, working with diverse constituents and stakeholders, ECHDC is committed to high road development principles and a community-oriented approach which increases access to the waterfront and invests in the long term economic vitality of the city and the region.
- c. ECHDC and CSCA have jointly developed these principles in a spirit of cooperation and good faith, and are mutually committed to constructive collaboration in reaching these goals.

1. QUALITY JOBS

ECHDC recognizes the need for family-sustaining employment in the City of Buffalo and is committed to quality jobs for local residents. ECHDC will continue to provide for the following:

- a. ECHDC employees are paid a living wage as defined by City living wage ordinance.
- b. Construction contracts held by ECHDC require prevailing wage.
- c. A living wage is paid to non-seasonal employees ("seasonal" employees work four (4) months or less per year) who engage in the maintenance and operation at Canalside, for the following:
 - i. employees of ECHDC, and
 - ii. contractors of ECHDC that employ more than 30 persons at Canalside and where the annual contract with ECHDC exceeds \$50,000;

- iii. contracts for legal, architectural and like professional services are legally excluded, but contractors will be encouraged to pay living wages
- d. In an effort to provide quality services and maximize the benefit of public dollars, subcontractors and tenants who receive a direct subsidy from or through the ECHDC and who employ more than 30 non-seasonal employees at Canalside will pay all employees age 21 and over, except for food service workers as defined by NYS Minimum Wage Act, a living wage, as defined by the ordinance of the City of Buffalo. A subsidy shall be defined as any grants, loans, inducements, or any financial assistance for which the ECHDC provides to the subcontractor or tenant without receiving full market value in exchange.

2. LOCAL WORKER OPPORTUNITIES

ECHDC is committed to the goal of encouraging the participation of contractors, subcontractors, and workers from all segments of the community in work at Canalside. ECHDC will provide for the following:

- a. Tenants at Canalside excluding the Donovan and Webster Blocks:
 - i. All tenants receiving ECHDC subsidy and employing 30 or more full-time non-seasonal employees at Canalside will utilize a First Source Agreement with the NYS Department of Labor for job posting and employment referral for City residents (except for management confidential positions or emergency employment). Employers have a 10 day "freeze" before hiring non-listed applicants.
 - ii. Tenants not receiving direct subsidy will utilize the NYS DOL First Source Agreement concurrently with other employee recruitment.
- b. Construction Contracts held By ECHDC:
 - i. ECHDC has a goal of increasing minority general contractors but is constrained from hard goals based on the lowest responsible bidder requirements. ECHDC will work to publish the RFPs and to do outreach to MWBE contractors.
 - ii. ECHDC shall comply with New York State Executive Law ISA and evaluate the potential MWBE participation based on the scope of work for each individual project. ECHDC shall require all contractors to use good faith efforts to achieve meaningful participation of minority and women business enterprises based on the scope of work and goals.
 - iii. A representative from ECHDC shall be available to work with the contractors to actualize good faith efforts to achieve meaningful MWBE firm participation.
- c. ECHDC will encourage developer proposals to include MWBE participation goals and workforce participation goals for construction.
- d. ECHDC will employ a person or contractor specifically for promoting and monitoring local hiring, local construction opportunities and MWBE goals. Person/consultant

will perform outreach with local and MWBE firms in bidding directly on ECHDC work and assisting developers and contractors to meet ECHDC goals, and will work closely with the NYS Department of Labor for First Source hiring, as well as provide status updates regarding progress to the ECHDC, the City of Buffalo and the CSCA. CSCA will provide assistance through the RFP process in identifying qualified persons/contractors for this affirmative outreach position.

- e. This ECHDC employee or contractor will hold regularly scheduled public meetings with owners and professional associations of women and minority-owned businesses to encourage and ensure their involvement and participation in ECHDC projects.

3. LOCAL BUSINESS OPPORTUNITIES

ECHDC is committed to opportunities for locally owned independent companies and new businesses in the creation of a unique, economically and culturally vibrant Canalside. In order to advance these opportunities, ECHDC commits to:

- a. A goal of 50% for locally owned businesses at Canalside, with priority for independent local entrepreneurs. ECHDC will continue to work to encourage development with a large percentage of locally owned independent businesses.
- b. Employment of a person or contract specifically for promoting and monitoring local business development. The person/consultant will perform outreach with locally owned independent businesses including women and minority-owned businesses for business development opportunities at Canalside. That person/consultant will also track and publicly provide to the community updates regarding progress in reaching these goals.

4. ENVIRONMENTAL IMPACT AND INNOVATION

ECHDC is committed to environmental sustainability and innovation, resource conservation and restoration, renewable energy and multimodal transportation in Canalside development. To achieve those goals, ECHDC agrees to:

- a. Obtain LEED Certification in all design and construction, with LEED Silver as a preferred goal, and diligent, good faith efforts to investigate the feasibility of construction of a building within the project that achieves Gold or Platinum LEED level, including the use of solar or other sustainable onsite energy sources.
- b. Create a plan that delineates how all tenants and users on the project can reduce their waste and storm water run-off with a goal of minimizing storm water entering the combined sewer system from the project and maximizing the use of permeable paving.
- c. Support the full complement of transportation choices by providing infrastructure to take advantage of the train terminal, metrorail, bus lines, walking and biking paths, Niagara River Greenway, and water transportation to make the site truly multi-modal; make a good faith effort to pursue federal and state funding opportunities for multi-modal transit and transit-oriented development.

- d. Prioritize the planting of trees and other hardy, native vegetation.
- e. Strive to design all streets to include traffic calming and other bicycle and pedestrian-friendly features and to have all buildings meet or exceed the City's bicycle parking requirements.
- f. Explore including one or more landmark renewable projects to educate the public as to the possibilities of renewable energy: examples include a net-zero building, a solar-powered carousel, solar-powered boats, and the use of solar power to illuminate the grain elevators.
- g. According to ECHDC's guiding principles, work to ensure the public's ability to access the waterfront and land adjacent to the edge of the Buffalo River or any other body of water under its control.

5. COMMUNITY BUILDING, URBAN DEVELOPMENT AND AFFORDABLE HOUSING

ECHDC is committed to creating a vibrant and economically diverse neighborhood at Canalside, and agrees to:

- a. For general solicitations, include preferences for mixed income, workforce and affordable housing proposals.
- b. Work to increase the access, use and enjoyment of Canalside for all current and future residents of downtown neighborhoods and housing communities surrounding Canalside.

6. COLLABORATIVE PROCESS AND IMPLEMENTATION

- a. ECHDC will provide annual public progress reports on these principles. CSCA will provide information and assistance as needed in implementation of these principles, and ECHDC and CSCA will meet annually to review progress toward meeting the goals of this statement of principles.